

REMARKS

I. Introduction

Claims 1-10, 12-13, 15-16, and 18-26 were submitted to the Examiner for consideration. In the Non-Final Office Action dated October 8, 2008, claims 1, 5-10, 12-13, 15-16, 18-19, and 21-23 were rejected under 35 USC §103(a) as being unpatentable over Needham (US Patent No. 6,711,247) in view of Official Notice. Applicants thank the Examiner for allowing claims 20 and 24-26, and for indicating that claims 2-4 would be allowable if rewritten in independent form. Claim 2 has been placed in independent form. Claims 3 and 4 depend from claim 2. Thus, claims 2 through 4 are also in condition for allowance. Claims 1, 10, 18 and 20 have also been amended.

In view of the following remarks, it is respectfully submitted that the rejection of the claims be withdrawn. All claims are believed to be in condition for allowance, and this response is believed to be a complete response to the Office Action. However, Applicants reserve the right to set forth further arguments supporting the patentability of their claims, including the separate patentability of the dependent claims not explicitly addressed herein, in future papers.¹

Further, for any instances in which the Examiner took Official Notice in the Office Action, Applicants expressly do not acquiesce to the taking of Official Notice, and respectfully request that the Examiner provide an affidavit to support the Official Notice taken in the next Office Action, as required by 37 CFR 1.104(d)(2) and MPEP § 2144.03.

II. Independent Claims 1, 10, and 18

Independent claim 1, as amended, recites, in part:

recognizing a busy condition of a subscriber line;
initiating a first call to said subscriber line in response to recognizing the
busy condition, including transmitting a first call set-up message indicating a first
special calling party number to said subscriber line;

¹ As Applicants' remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicants' silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine references, assertions as to dependent claims, etc.) is not a concession by Applicants that such assertions are accurate or such requirement have been met, and Applicants reserve the right to analyze and dispute such assertions/requirements in the future.

detecting a trigger when said first call reaches a switching point in the telecommunications network;

in response to detecting the trigger, transmitting a first query message to a control point in the telecommunications network, said first query message including said special calling party number;

receiving said first query message at said control point; and

storing an indicator of said condition in response to receiving said first special calling party number. (Emphasis Added).

The Needham reference cited by the Examiner fails to teach or suggest at least “recognizing a busy condition of a subscriber line” and “initiating a first call to said subscriber line in response to recognizing the busy condition, including transmitting a first call set-up message indicating a first special calling party number to said subscriber line.”

The Needham reference is directed to “a system for handling a call requiring non-standard processing to a call answer point and for providing location information concerning the call to the call answer point.” (Abstract). The Needham system uses call routing software to recognize that the call is an emergency call (e.g., a 911 call). (Col. 2, lines 51-52). A “PBX maps one or more system specific extension numbers to an ITU-TE.164 number obtained from the local telephone operating company. Each ITU-TE.164 number represents a location within a building or group of buildings served by the PBX.” (Col. 2, lines 53-57) (reference numerals omitted). In other words, it appears that the Needham system uses the PBX to determine a location of a caller based on the telephone number from which the call generated after the caller dials an emergency call number (e.g., 911). The Needham system provides no reason to “[recognize] a busy condition of a subscriber line” or “[initiate] a first call to said subscriber line in response to the busy condition” as recited in amended claim 1. Moreover, the Needham system discloses inserting a direct inward dialing number into “the calling party information element field of the setup message.” (Col. 3, lines 42-44). Then “the call is delivered to the public network.” (Col. 3, line 46). Nowhere does the Needham system teach or suggest “transmitting a first call set-up message indicating a first special calling party number to said subscriber line.” For at least these reasons, claim 1 is patentable over the Needham system.

In addition, the Examiner states that “detecting a trigger when said first call reaches a switching point in the telecommunication network... basically reads on call routing software 18 recognizing that the call is an emergency...” (Office Action, page 4) with regard to claim 1.

Applicants request that the Examiner clearly articulate the rejection as required by MPEP § 706. It is unclear to Applicants what it means to “basically [read] on call routing software.”

The Examiner relies upon reference to Figure 1, the individual groups 12A, 12B, and 12C, the PBX, and the STS of the Needham system to disclose each element of claims 10 and 18 (Office Action, p. 5-6) without further explanation of how those elements in the Needham system render claims 10 and 18 unpatentable. Moreover, the Examiner states that “the claimed ‘server’ may read on the STS.” (Office Action, page 6). Applicants request that the Examiner clearly articulate the rejection as required by MPEP § 706. Specifically, it is unclear to Applicants how those elements of the Needham system teach or suggest each element of claims 10 and 18. Furthermore, it is unclear to Applicants how a “server may read on the STS.”

Nevertheless, in the interest of furthering prosecution, amended claims 10 and 18 are patentable over the Needham system for at least the reasons provided above with respect to claim 1. Although claims 10 and 18 are of a different scope than claim 1, the Needham system fails to teach or suggest “a server configured to detect a busy condition of a subscriber line associated with one of the respective subscribers and, in response to detecting the busy condition, initiate a call to the subscriber line including a call set-up message indicating a special calling party number” as recited in amended claim 10, and “a system configured to..., in response to busy said condition, initiate a call to said telephone line using an ISDN User Part (ISUP) call set-up message including a special calling party number” as recited in amended claim 18.

III. Dependent Claims 5-9, 12-13, 15-16, 19, and 21-23

Dependent claims 5-9, 12-13, 15-16, 19, and 21-23 are patentable at least by virtue of their direct or indirect dependency on amended claims 1, 10, or 18 for at least the reasons set forth above. Nevertheless, the dependent claims further recite patentable subject matter. For example, the Needham system fails to teach or suggest “calling said subscriber telephone number” as recited in claim 5. At most, the Needham system determines a location of the caller based on the caller’s telephone extension, but fails to teach or suggest at least this element of claim 5.

The Examiner fails to clearly articulate how the Needham system teaches or suggests each element of claims 6. Instead, the Examiner merely relies upon reference to Figure 1 of the Needham

system (Office Action, page 5). However, Figure 1 is a block diagram of a system “for providing identification information for a call requiring specific location identification by a call network.” (Col. 2, lines 12-15). It is unclear to Applicants how a block diagram illustrating the Needham system teaches or suggests “said step of detecting a trigger [being] performed at a terminating switch serving a subscriber telephone line” as recited in claim 6.

With regard to claim 7, contrary to the Examiner’s assertion, the mere fact that the Needham system “maps one or more system specific extension numbers to an ITU-TE.164 number obtained from the local telephone operating company” (Col. 2, lines 53-55) fails to teach or suggest “calling a telephone number of said subscriber telephone line.”

With regard to claims 8 and 13, the mere fact that the Needham system “[ensures] that trunks are allocated for emergency calls” (Col. 3, lines 4-5) and uses a “formula for determining whether or not to return a busy signal or to allow a call to proceed” (Col. 3, lines 34-35) fails to teach or suggest “setting a flag as part of a call processing record of an associated subscriber” as recited in claim 8, or “wherein said service status flag is also associated with said one subscriber” as recited in claim 13. Instead, the formula in the Needham system uses the number of channels available to a group (i.e., variable N), the minimum number of channels that must be kept open (i.e., variable X), and the number of channels in use by the group (i.e., variable Y). (Col. 3, lines 23-27).

With regard to claims 9, 16, and 22-23, the Examiner appears to rely on Official Notice that “transmitting a disconnect request” as recited in claim 9 is “obvious and well known in the art.” (Office Action, page 5), that “the use of an Advanced Intelligent Network that comprises SCP and SSP.... is considered a designee choice that does not rise the invention to the level of patentability” with regard to claim 16 (Office Action, page 6), and that “the use of a TCAP message within the advanced intelligent network is inherent if not obvious” with regard to claims 22-23. Applicants expressly do not acquiesce to the taking of Official Notice, and respectfully request that the Examiner provide an affidavit to support the Official Notice taken in the next Office Action, as required by 37 CFR 1.104(d)(2) and MPEP § 2144.03.

The Examiner relies upon reference to Figure 1, the individual groups 12A, 12B, and 12C, the PBX, and the STS of the Needham system to disclose each element of claims 12 and 15 (Office Action, p. 5-6) without further explanation of how those elements in the Needham system render

claims 12 and 15 unpatentable. Applicants request that the Examiner clearly articulate the rejection as required by MPEP § 706.

With regard to claim 19, the mere fact that Needham discloses that “each ITU-TE.164 number represents a location within a building or group of buildings served by the PBX” (Col. 2, lines 55-57) fails to teach or suggest “wherein said special party numbers are different invalid calling party numbers associated with respective conditions to be reflected by said service status indicators” as recited in claim 19.

With regard to claim 21, the mere fact that the Needham system discloses placing the ITU-TE.164 “in the Calling Number Information Element of the Setup Message according to ITU-T recommendation Q.931” (Col. 2, lines 61-64) fails to teach or suggest “wherein said first call set-up message comprises an ISDN User Part (ISUP) message.”

For at least these reasons and the reasons provided above with respect to the independent claims, the rejections of the dependent claims should be withdrawn.

IV. Official Notice

In the Office Action, the Examiner has taken Official Notice that “alarms, monitoring and security devices automatically contact 911 call centers in the event of detecting an emergency condition.” (Office Action, p. 5). Applicants believe that any instances where the Examiner has taken Official Notice are rendered moot in light of the amendments and arguments contained herein. However, should the Examiner continue to use Official Notice as the basis for a rejection, either alone or in combination with a cited reference, Applicants expressly do not acquiesce to the taking of Official Notice, and respectfully request that the Examiner provide an affidavit to support the Official Notice taken in the next Office Action, as required by 37 CFR 1.104(d)(2) and MPEP § 2144.03.

CONCLUSION

All rejections have been addressed. In view of the above, the presently pending claims are believed to be in condition for allowance. Accordingly, reconsideration and allowance are respectfully requested and the Examiner is respectfully requested to pass this application to issue.

It is believed that any fees associated with the filing of this paper are identified in an accompanying transmittal. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. 65632-594 from which the undersigned is authorized to draw.

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